

Hand-Delivered

RECEIVED  
STATESVILLE, NC

DEC 21 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Case No.: 5:20-cv-00157-KDB-DCK

U.S. District Court  
Western District of N.C.

Curtis Edwin Leyshon	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	RESPONSE TO DEFENDANT'S
Michael Duncan, individually and official	)	MOTION TO DENY PLAINTIFF'S
capacity; B. Carlton Terry, individual and	)	MOTION FOR SANCTIONS
official capacity; Pam Barlow, individual	)	
and official capacity; and Mathew Levchuk,	)	
individual and official capacity,	)	
	)	
Defendants,	)	

NOW COMES Plaintiff Curtis Leyshon, pro se, and makes this RESPONSE TO DEFENDANT'S MOTION TO DENY PLAINTIFF'S MOTION FOR SANCTION concerning Bad Faith of Defendant's Representative Elizabeth O'Brian, hereafter Mrs. O'Brian, in the discussions by phone Monday November 2, 2020. Rule 16 of the Federal Rules of Civil Procedure under purposes of pretrial conferences authorizes the conference for (a)(1) expediting disposition of the action and (a)(5) "facilitating settlement".

Mrs. O'Brian and Plaintiff were the only witnesses to the settlement conference. Plaintiff has made a sworn affidavit to facts that O'Brian disputes. Plaintiff is a Missionary Baptist Preacher whose word is very important to him. Plaintiff made no comment in his affidavit he is not certain about. I ask the court have a hearing concerning the facts of the settlement conference so as to swear in the participants of the settlement conference to give testimony and cross-examination from each to arrive at the facts. Otherwise, the only evidence in the record concerning the settlement conference is

plaintiff's sworn affidavit that the settlement conference was a bad faith effort by the defendant's counsel.

Plaintiff ask the court schedule a hearing for the sanction request to gather evidence or award Plaintiff the one thousand dollar sanction requested in the original motion for sanction.

My hand,



Curtis Edwin Leyshon  
915 N. Pine Run Rd.  
Boone, NC 28607

**Certificate of Service**

This is to certify that a copy of this response to Defendants Motion to Dismiss has been mailed to defendant's representative Elizabeth Curran O'Brien by deposit in the US Mail addressed to:

Elizabeth Curran O'Brien  
North Carolina Department of Justice  
PO Box 629  
Raleigh, NC 27602

This, the 21<sup>st</sup> day of December, 2020

My hand,

